

Chapter 133

SCENIC ROADS

[HISTORY: Adopted by the Board of Selectmen of the Town of Granby 3-16-1998. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation areas — See Ch. 121.

Streets and sidewalks — See Ch. 150.

§ 133-1. Purpose.

The scenic and rural roads of the Town of Granby are irreplaceable resources. It is the purpose of this chapter to balance the need to provide for convenient and safe public transportation routes with the need to preserve these scenic and rural roads. Therefore, be it ordained by the Town of Granby that, pursuant to the authority granted by Connecticut General Statutes, § 7-149a, the Town of Granby shall provide for the designation of certain Town highways or portions thereof within its borders as scenic roads.

§ 133-2. Authority to designate.

The Planning and Zoning Commission is hereby authorized to designate any Town public highway or any portion of any Town public highway ("road") as a scenic road ("scenic road") in accordance with the procedures in this chapter.

§ 133-3. Designation criteria.

- A. No road or portion of road shall be designated as a scenic road unless it is free of intensive commercial development and intensive vehicular traffic and unless it has a minimum length of 2,500 feet, except that the length of the road may be less if the Commission finds that the road segment contains unique scenic features and/or is located between identifiable environmental features and/or road intersections.
- B. Prior to designating a road as a scenic road, the Planning and Zoning Commission shall first specifically find that at least one of the following criteria is met:
 - (1) The highway is unpaved;
 - (2) The highway is bordered by mature trees or stone walls;
 - (3) The traveled portion of the highway is no more than 20 feet in width;
 - (4) The highway offers scenic views;
 - (5) The highway blends naturally into the surrounding terrain;
 - (6) The highway parallels or crosses over brooks, streams, lakes or ponds.

- C. Aside from these criteria, the Planning and Zoning Commission may give consideration to the following, including without limitation:
- (1) Buildings, structures or places of historical significance;
 - (2) Recreational uses;
 - (3) Proximity to open space, agricultural, forest lands, including land that is public nonprofit or privately owned;
 - (4) Notable geologic or other natural features which would benefit from a road's designation as a scenic road.
- D. No road may be designated as a scenic road by the Planning and Zoning Commission unless the owners of the majority of the lot frontage abutting the portion of the road proposed for such designation agree to its designation as a scenic road by filing a written statement of approval with the Town Clerk of the Town of Granby, which statement of approval shall meet the requirements of § 133-4 of this chapter.

§ 133-4. Application procedure.

- A. Request for designation. The Planning and Zoning Commission shall consider a road for designation as a scenic road upon receipt of a request for designation and may itself initiate such a request, as herein described. No road shall be designated as a scenic road by the Planning and Zoning Commission unless a request for designation has been filed with the Commission on a form prescribed by it, containing the following information:
- (1) The name of the road proposed to be designated as a scenic road and a general description of the road or portion of it to be designated, which includes the total frontage of the road section proposed, and the names and addresses of all abutters. The above information shall be shown on a plan at a minimum scale of one inch equals 200 feet, showing the limits of the proposed designated section of the road.
 - (2) A written description identifying those characteristics of the road which qualify it for scenic road status, including as a minimum but not limited to the criteria set forth in § 133-3 of this chapter.
 - (3) A copy of a statement of approval signed by the owners of a majority of lot frontage abutting the proposed scenic road stating that they consent to its designation as a scenic road. The statement of approval shall include their names and addresses and the measured lot frontage of each along the proposed scenic road. The statement of approval shall be in a form prescribed by the Planning and Zoning Commission, and the original of it shall be filed with the Town Clerk at the same time as the copy is filed with the Planning and Zoning Commission as part of the request for designation. Where the Planning and Zoning Commission itself initiates a request for designation, it may waive the requirement that the written statement of approval accompany the request;

provided, however, that no designation of a scenic highway shall be effective unless the written statement of approval executed by the requisite number of owners is filed with the Town Clerk and the Commission within such time period as the Commission shall specify.

- B. Hearing and decisions. Before designating a road as a scenic road, the Planning and Zoning Commission shall hold a public hearing in accordance with § 133-6.
- C. Rescission. The Planning and Zoning Commission may rescind the designation of a road as a scenic road in accordance with the procedures set forth in § 133-6, provided that the owners of a majority of the lot frontage abutting the scenic road concur with such rescission and have filed with the Town Clerk a written statement of approval of rescission, which shall include their names and addresses and the measured lot frontage of each along the scenic road. A copy of said written statement of approval of rescission shall be filed with the Planning and Zoning Commission at the same time as it is filed with the Town Clerk. No designation of a road as a scenic road may be rescinded, and no statement of approval of rescission may be filed, for at least two years after the effective date of the designation of a scenic road.

§ 133-5. Maintenance, alteration and reconstruction.

- A. Preservation objective. The Town shall maintain its scenic roads in good and sufficient repair and in a safe, passable condition, pursuant to its regular schedule for maintenance of Town roads. Routine maintenance, alteration and reconstruction of a scenic road shall be carried out so as to preserve to the highest degree possible its scenic and rural characteristics, compatible with safe road operations. In the case of natural disaster in which a scenic road becomes impassable or unsafe for public travel, emergency repairs may be made only to the extent needed to restore the scenic road to its preemergency condition.
- B. Routine road maintenance. Routine road maintenance shall include the removal of dead trees, the trimming of tree branches that encroach on the traveled portion of the scenic road below the height needed to allow school buses, road maintenance vehicles and emergency vehicles to pass, the trimming or removal of brush and the removal of boulders or other obstacles that encroach on the traveled portion of the scenic road or block safe sight distance, the necessary trimming for utility lines, the trimming of brush to enhance and protect scenic views, stone walls, mature trees and other characteristics of the scenic road set forth in the decision designating it as a scenic road, the correction of drainage problems, provided that such measures would not otherwise be considered alteration or improvements, the regravelling of scenic roads having gravel surfaces and the resurfacing, restoration and repair of existing paved roadway surfaces. The Town Engineer shall monitor routine road maintenance of scenic roads to ensure compliance with this chapter.
- C. Definitions.
 - (1) As used in this chapter, the following terms shall have the meanings indicated:

ALTERATION OF A SCENIC ROAD — All repairs or improvements, other than routine road maintenance as described in Subsection B above, or repairs made necessary by a natural disaster, as described in Subsection A above, and shall include any widening or straightening of the right-of-way, any widening, straightening or change of grade of the traveled portion of the scenic road, the paving of a scenic road having gravel surface, the removal of stone walls, the removal of mature trees, the regrading of roadside slopes and all other similar improvements.

RECONSTRUCTION OF A SCENIC ROAD — The complete removal of the road surface and/or subsurface for the purposes of reconstructing the scenic road in its entirety, including recycling methods and any extension of the width of the scenic road.

- (2) Any alteration of a scenic road or reconstruction of a scenic road shall be made in accordance with the following procedures.

D. Procedures.

- (1) The Commission shall hold a public hearing in accordance with the requirements of § 133-6 on any proposal for the alteration or reconstruction of a scenic road, even where the proposal is part of a zoning or subdivision application for which no public hearing is otherwise required. Upon the filing of such a proposal with the Planning and Zoning Commission, the Commission shall ask the Director of Community Development and the Town Engineer each to submit a report of their views on the proposal and shall consider each report in the process of making the decision. If the decision of the Planning and Zoning Commission is anything other than approval of the proposal as submitted by the public agency, the public agency may, within 15 days after the decision has been published in a newspaper having general circulation in the Town, file an appeal, in writing, with the Board of Selectmen. The Board shall thereafter review the record before the Planning and Zoning Commission, including the public agency proposal, the Commission decision and the reasons for the decision as stated in the record and, within 30 days after filing of the appeal with it, shall render its decision either affirming, modifying and affirming or overruling and setting aside the decision of the Commission.
- (2) The Commission shall hold a public hearing in accordance with the requirements of § 133-6 for any zoning or subdivision application which includes proposals for the alteration of a scenic road or reconstruction of a scenic road as part of the application. The process and timing of both requests shall be conducted simultaneously. The Planning and Zoning Commission may require the applicant to submit engineering or other technical reports documenting a need for the alteration or reconstruction and evaluating potential alternative solutions. The Planning and Zoning Commission shall evaluate both the subdivision road standards and the scenic values when considering the application.
- (3) Proposals for alteration of a scenic road or reconstruction of a scenic road made by a private applicant, other than those for a subdivision having a public

hearing, shall be submitted to the Planning and Zoning Commission for approval, and the Commission shall approve, modify and approve or disapprove any proposal after a public hearing conducted in accordance with the requirements of § 133-6. If it deems it necessary, the Planning and Zoning Commission may require the applicant to submit engineering or other technical reports documenting a need for the alteration or reconstruction and evaluating potential alternative solutions. The Planning and Zoning Commission shall evaluate both the subdivision highway standards and the scenic values in considering such proposals for alteration or reconstruction.

E. Standards for alteration or reconstruction.

- (1) No alteration of a scenic road or reconstruction of a scenic road (see Subsection C) shall be made unless the Planning and Zoning Commission determines that such alteration or reconstruction is necessary to maintain the scenic road in good and sufficient repair and in safe condition for public travel.
- (2) In determining whether to allow the proposed alteration of a scenic road or reconstruction of a scenic road, the Planning and Zoning Commission shall take into account the specific safety features of the proposed change and the overall impact of the proposed change. Any decision by the Planning and Zoning Commission to permit an alteration of a scenic road or reconstruction of a scenic road shall reflect the least possible damage to the character of the scenic road. If an alteration of a scenic road or reconstruction of a scenic road is approved, the Planning and Zoning Commission shall specify the following requirements as they relate to scenic values:
 - (a) Curves. Curves shall not be eliminated unless they are found to be a hazard.
 - (b) Grades. Hills and valleys shall not be destroyed by cuts and fills unless absolutely essential for road safety.
 - (c) Widths. A scenic road should only be widened if the Planning and Zoning Commission finds that the amount of traffic, safe road operations and maintenance needs require such widening. For some rural roads, the amount of traffic that can be handled can be greatly increased by wide bypasses and turnouts, constructed at intervals where they do the least damage to scenic and other values.
 - (d) Side slopes. The existing steepness of side slopes is preferable to the reduction of gradient by extensive removal of soil and rock. This is especially true where the slope is fully stabilized and where it is rich with existing ground cover, shrubs and trees.
 - (e) Vistas. Vistas of distinct landscapes shall be preserved by suitable vegetation management techniques.

- (f) Vegetation. Vegetation on the side of the scenic road shall be managed in such a way as to preserve wild flowers, shrubs of ornamental and wildlife values, trees, overarching isolated trees and trees forming a canopy.
 - (g) Stone walls. If stone walls or portions thereof must be removed, they shall be rebuilt along the affected portion of the scenic road.
- (3) The Planning and Zoning Commission shall assure itself that suitable vegetation management techniques are employed to preserve any tree canopy, shrubs and other vegetation, consistent with the need for clearances for utility lines.
- (4) The Planning and Zoning Commission shall not grant an application for alteration or reconstruction of a scenic road to accommodate a proposed subdivision or other development of land to which the scenic road would provide access unless the Commission determines that such alteration or reconstruction will not have a material adverse effect on the characteristics of the scenic road which formed the basis for its designation as a scenic road.
- (5) Reconstruction criteria. No scenic road may be reconstructed beyond that permitted in accordance with the provisions of § 133-5 of this chapter, unless the Planning and Zoning Commission finds that there is no reasonable alternative to the improvement or alteration of the scenic road other than such reconstruction. Such finding shall be based upon approved road construction and safety standards and a finding that the alteration or reconstruction is necessary to maintain the scenic road in good and sufficient repair and in a safe condition for travel in accordance with provisions of this section. Before any alteration or reconstruction may be made to a scenic road pursuant to this section, all other requirements and procedures of § 133-6 of this chapter must be complied with.
- (6) Rights of landowners.
 - (a) Nothing in this chapter shall be deemed to prohibit a person owning or occupying land abutting the scenic road from maintaining and repairing the land which abuts the scenic road if the activity is outside of the right-of-way of the scenic road. No person shall be denied access to his or her property by driveway or subdivision road, provided that the connection to the scenic road is designed and constructed to safeguard the basis for a scenic road as recorded by the Planning and Zoning Commission.
 - (b) Nothing herein shall prohibit a landowner from permanently removing a portion of a stone wall in order to construct or improve a driveway, or in the case of a subdivision, to connect a subdivision road with a designated scenic road, but these activities must be consistent with these guidelines and are subject to approval of the Planning and Zoning Commission.

§ 133-6. Administration.

- A. Public hearings. A request for designation, a request for rescission of designation, a proposal for alteration of a scenic road and a proposal for reconstruction of a scenic road shall be filed with the Planning and Zoning Commission. The Planning and Zoning Commission shall commence a public hearing within 65 days after receipt of such request or proposal of an application prepared in accordance with this chapter, and said hearing shall be completed within 30 days after such hearing commences. The applicant or the Commission may consent to one or more extensions of any period specified in this section, provided that the total extension of any such period shall not be for longer than the original period as specified in this section, or the applicant may withdraw such application. For the purposes of this section, the day of receipt of a request or proposal shall be the day of the next regularly scheduled meeting of the Planning and Zoning Commission immediately following the day of submission to the Planning and Zoning Commission or 35 days after such submission, whichever is sooner. Notice of the time and place of such public hearing shall be published at least twice in a newspaper having a substantial circulation in the Town at intervals of not less than two days, the first not more than 15 days or less than 10 days, and the last not less than two days before the day of such hearing. At such hearing, any person may appear in person and may be represented by agent or by an attorney.
- B. Decision. The Planning and Zoning Commission shall render its decision on any request or proposal made under Subsection A within 65 days after closing the hearing. The applicant may consent to one or more extensions of this period, provided that the total extension shall not be for longer than 65 days. Within 15 days after the date the Commission rendered its decision, the decision shall be published in a newspaper having general circulation in the Town, and notice of such decision shall be sent by certified mail to the owners of the lots fronting on that road designated as a scenic road. Such notice shall include a statement of a decision, together with the date of such action and the reasons for the decision as stated in the records of the Planning and Zoning Commission. Notice of the decision and the reasons for the decision shall be forwarded to Public Works and to all utility companies which service the area affected by the application within 15 days after acting.

§ 133-7. Appeals.

Any person aggrieved by a designation of a highway or portion of a highway by the Planning and Zoning Commission as a scenic road pursuant to this chapter may appeal such designation in the manner and utilizing the same standard of review provided for appeals from the decisions of the Planning and Zoning Commission under Connecticut General Statutes, § 8-8, as the same may be amended from time to time.